

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: HOCHBERG=1A

In re Application of:)	Confirmation No.: 4589
)	
Abraham HOCHBERG et al)	Art Unit: 1636
)	
Appln. No.: 10/527,824)	Examiner: C. X. QIAN
)	
Filing Date: September 12, 2003))	October 6, 2008
371(c) Date: November 9, 2005)	
)	
For: METHOD FOR DETECTION)	
OF MICRO-METASTASIS)	

REPLY TO RESTRICTION AND ELECTION REQUIREMENTS

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action
mailed August 6, 2008, and reply below. Attached is a
petition for one month's extension of time and payment of the
extension fee.

Acknowledgement by the PTO of the receipt of
applicants' papers filed under Section 119 would be
appreciated.

Two elections of species have been required, i.e.
applicants have been required to elect a single species of

tumor marker, and a single species of solid tumor. During a telephone conference subsequent to the mailing date of the Office Action, the examiner indicated that these elections must be consistent with one another i.e. the tumor marker must be consistent with the solid tumor.

As applicants must make the elections even though the requirements are traversed, applicants hereby respectfully and provisionally elect PSA as the tumor marker and prostate cancer as the solid tumor, with traverse and without prejudice. All the claims in the application, namely claims 1-11 and 13-17, are generic and thus read on the elected species; and claims 5, 6 and 13 are generic because they are in proper Markush format.

The requirement is traversed on the basis that the claims are directed to a single general inventive concept under PCT Rule 13.1 because they possess the same or corresponding special technical features under PCT Rule 13.2 as called for in the generic claims. In other words, the generic claims themselves define the same or corresponding special technical features. Applicants respectfully submit that the reasoning given on page 3 of the Official Action does not relate to PCT Rule 13.1 and 13.2, but at most it relates, if at all, to conventional U.S. restriction practice which

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does not apply in the present U.S. National Phase application which is governed by PCT Rules.

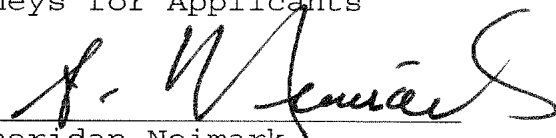
Applicants respectfully note that in any event, because all the claims are generic, all such claims will be examined. Applicants also respectfully note that, as stated in the Office Action on numbered page 2, applicants will be entitled to consideration of additional species upon allowance of generic subject matter.

Applicants respectfully await the results of an examination on the merits.

Respectfully submitted,

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